

Before the
Federal Communications Commission
Washington, DC 20554

NOV - 5 2002

In the Matter of)

Request for Review of the)
Decision of the
Universal Service Administrator by

Holy Redeemer Catholic School
Alpharetta, Georgia

File No. SLD-328044

Federal-State Joint Board on)
Universal Service

CC Docket No. 96-45 ✓

Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

CC Docket No. 97-21

ORDER

Adnpted: November 1, 2002

Released: November 4, 2002

By the Telecommunication Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Holy Redeemer Catholic School (Holy Redeemer), Alpharetta, Georgia.¹ Holy Redeemer seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Holy Redeemer's appeal on the grounds that it was untimely filed.² For the reasons set forth below, we affirm SLD's rejection and deny Holy Redeemer's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on June 3, 2002, denying Holy Redeemer's request for discounted services under the schools and libraries universal service support mechanism.³ Specifically, SLD denied Holy Redeemer's request for discounts for telecommunications services and Internet Access, Funding Request Numbers (FRNs) 882357, 882358, and 882359.⁴ On September 3, 2002, Holy Redeemer filed an appeal of SLD's

¹ Letter from Laura Burell, Holy Redeemer Catholic School, to Federal Communications Commission, filed October 2, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Laura Burell, Holy Redeemer Catholic School, dated June 3, 2002 (Funding Commitment Decision Letter).

⁴ *Id*

decision.’ On September 8, 2002, SLD issued an Administrator’s Decision on Appeal indicating that it would not consider Holy Redeemer’s appeal because it was received more than 60 days after the June 3, 2002 Funding Commitment Decision Letter was issued.⁶ Holy Redeemer subsequently filed the instant Request for Review with the Commission.

3. Holy Redeemer asserts that it did not receive the June 3, 2002 Funding Commitment Decision Letter, and became aware of the decision only after having contacted SLD on August 12, 2002. A review of the record indicates that SLD did issue a Funding Commitment Decision Letter on June 3, 2002. Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for reconsideration.’

4. Under the Commission’s rules, an appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision as to which review is sought.⁸ Documents are considered to be filed with the Commission or SLD only upon receipt.’ The 60-day deadline applies to all requests for review filed by a party affected by a decision issued by the Administrator.” Because Holy Redeemer failed to file an appeal of the June 3, 2002 Funding Commitment Decision Letter within the requisite 60-day appeal period, we affirm SLD’s decision to dismiss Holy Redeemer’s appeal to SLD as untimely and deny the instant Request for Review.

⁵ Letter from Laura Burell, Holy Redeemer Catholic School, to Schools and Libraries Division, Universal Service Administrative Company, filed September 3, 2002 (Request for Administrator Review).

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Laura Burell, Holy Redeemer Catholic School, dated September 8, 2002 (Administrator’s Decision on Appeal).

⁷ See *Request for Review by Whitehall City School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. 145224, CC Dockets No. 96-45 and 97-21, Order, 15 FCC Rcd 15157, n.2 (Com. Car. Bur. 2000); *Juan Galiano*, Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) (“[I]f the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered ... procedural havoc and abuse would result.”).

⁸ 47 C.F.R. § 54.720(b). See *Implementation & Interim Filing Procedures for Filings & Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, FCC 01-376 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

⁹ 41 C.F.R. § 1.7.

¹⁰ *Id.*

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Holy Redeemer Catholic School, Alpharetta, Georgia on October 2, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark G. Seifert". The signature is fluid and cursive, with a large, stylized "S" at the end.

Mark G. Seifert

Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau